

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Kelly J. L.,

No. 20-cv-1751 (KMM)

Plaintiff,

v.

**ORDER**

Kilolo Kijakazi, Acting Commissioner of  
Social Security,

Defendant.

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This matter is before the Court on Plaintiff’s Motion for Attorney Fees Pursuant to the Equal Access to Justice Act (“EAJA”). [Doc. 39]. Plaintiff seeks an award of \$5,714.09 in attorney fees under the EAJA, and expenses in the amount of \$17.25. [*Id.* at 1]. The Commissioner does not oppose Plaintiff’s request. Based on a review of the motion and the entire record, the Court finds that Plaintiff’s application is timely, that Plaintiff is the prevailing party, and that she is eligible to receive an award of fees. 28 U.S.C. § 2412(d)(1)(B). Further, the Commissioner has not argued that his position in the litigation was substantially justified. *Youness v. Berryhill*, No. CV 17-4108 (DSD/BRT), 2018 WL 4218805, at \*1 (D. Minn. Sept. 5, 2018). Finally, the Court finds that applying the lodestar method results in an award of a reasonable attorney’s fee. *See* 28 U.S.C. § 2412(d)(2)(A); [Doc. 40, Attach. 1–7].

Accordingly, **IT IS HEREBY ORDERED** that:

1. Plaintiff’s Motion for Attorney Fees Pursuant to the Equal Access to Justice Act [Doc. 39] is **GRANTED**; and

2. Defendant shall pay to Plaintiff \$5,731.34 in reasonable attorney's fees and expenses, subject to offset by any preexisting debt that Plaintiff owes to the United States.

Date: March 27, 2023

*s/Katherine Menendez*  
Katherine Menendez  
United States District Judge